

AMENDMENT TO H.R. 5356
OFFERED BY MR. GORDON OF TENNESSEE

Page 20, line 24, redesignate section 13 as section 14.

Page 20, after line 23, insert the following new section:

1 SEC. 13. ARPA-E.

2 (a) ADVANCED RESEARCH PROJECTS AGENCY-EN-
3 ENERGY.—

4 (1) ESTABLISHMENT.—There is established the
5 Advanced Research Projects Agency-Energy (in this
6 section referred to as “ARPA-E”) within the De-
7 partment of Energy.

8 (2) GOAL.—The goal of ARPA-E is to reduce
9 the amount of energy the United States imports
10 from foreign sources by 20 percent over the next 10
11 years by—

12 (A) promoting revolutionary changes in the
13 critical technologies that would promote energy
14 independence;



1 (B) turning cutting-edge science and engi-
2 neering into technologies for energy and envi-
3 ronmental application; and

4 (C) accelerating innovation in energy and
5 the environment for both traditional and alter-
6 native energy sources and in energy efficiency
7 mechanisms to decrease the Nation's reliance
8 on foreign energy sources.

9 (3) DIRECTOR.—ARPA-E shall be headed by a
10 Director who shall be appointed by the Secretary of
11 Energy. The Director shall report to the Secretary.

12 (4) RESPONSIBILITIES.—The Director shall ad-
13 minister the Fund established under subsection (b)
14 to award competitive grants, cooperative agreements,
15 or contracts to institutions of higher education, com-
16 panies, or consortia of such entities which may in-
17 clude federally funded research and development
18 centers, to achieve the goals stated in paragraph (2)
19 through targeted acceleration of—

20 (A) energy-related research;

21 (B) development of resultant techniques,
22 processes, and technologies, and related testing
23 and evaluation; and



1 (C) demonstration and commercial applica-
2 tion of the most promising technologies and re-
3 search applications.

4 (5) PERSONNEL.—

5 (A) PROGRAM MANAGERS.—The Director
6 shall designate employees to serve as program
7 managers for each of the programs established
8 pursuant to the responsibilities established for
9 ARPA-E under paragraph (4). Program man-
10 agers shall be responsible for—

11 (i) establishing research and develop-
12 ment goals for the program, including
13 through the convening of workshops and
14 conferring with outside experts, as well as
15 publicizing its goals to the public and pri-
16 vate sectors;

17 (ii) soliciting applications for specific
18 areas of particular promise, especially
19 those which the private sector cannot or
20 will not provide funding;

21 (iii) selecting research projects for
22 support under the program from among
23 application submitted to ARPA-E, fol-
24 lowing consideration of—



1 (I) the novelty and scientific and
2 technical merit of the proposed
3 projects;

4 (II) the demonstrated capabilities
5 of the applicants to successfully carry
6 out the proposed research project; and

7 (III) such other criteria as are
8 established by the Director; and

9 (iv) monitoring the progress of
10 projects supported under the program.

11 (B) HIRING AND MANAGEMENT.—In hiring
12 personnel for ARPA–E, the Secretary shall
13 have the hiring and management authorities de-
14 scribed in section 1101 of the Strom Thurmond
15 National Defense Authorization Act for Fiscal
16 Year 1999 (5 U.S.C. 3104 note). For purposes
17 of subsection (c)(1) of that section, the term of
18 appointments for employees may not exceed 5
19 years before the granting of any extension.

20 (6) COORDINATION.—The Director shall ensure
21 that the activities of ARPA–E are coordinated with
22 those of other relevant research agencies, and may
23 carry out projects jointly with other agencies.

24 (b) FUND.—

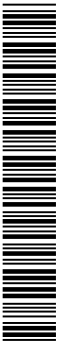


1 (1) ESTABLISHMENT.—There is established in
2 the Treasury the Energy Independence Acceleration
3 Fund (in this section referred to as the “Fund”),
4 which shall be administered by the Director of
5 ARPA-E for the purposes of carrying out this sec-
6 tion.

7 (2) AUTHORIZATION OF APPROPRIATIONS.—
8 There are authorized to be appropriated to the Di-
9 rector of ARPA-E for deposit in the Fund
10 \$300,000,000 for fiscal year 2007, \$375,000,000 for
11 fiscal year 2008, \$468,000,000 for fiscal year 2009,
12 \$585,000,000 for fiscal year 2010, and
13 \$732,000,000 for fiscal year 2011, to remain avail-
14 able until expended.

15 (c) RECOUPMENT.—

16 (1) REQUIREMENT.—Not later than 180 days
17 after the date of enactment of this Act, the Sec-
18 retary shall establish procedures and criteria for the
19 recoupment of the Federal share of each project sup-
20 ported under this section. Such recoupment shall
21 occur within a reasonable period of time following
22 the date of the completion of such project, but not
23 later than 20 years following such date, taking into
24 account the effect of recoupment on—



1 (A) the commercial competitiveness of the
2 entity carrying out the project;

3 (B) the profitability of the project; and

4 (C) the commercial viability of the tech-
5 nology utilized.

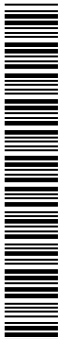
6 (2) WAIVER.—The Secretary may at any time
7 waive or defer all or some portion of the recoupment
8 requirement as necessary for the commercial viabil-
9 ity of the project.

10 (3) AVAILABILITY OF FUNDS.—Revenue re-
11 ceived by the Federal Government pursuant to this
12 subsection shall be deposited into the Fund and
13 shall be available with further appropriation to fund
14 future grants, contracts, and cooperative agreement
15 as authorized by the Director.

16 (4) DEFINITIONS.—For the purposes of this
17 subsection—

18 (A) the term “for-profit entity” means a li-
19 censee or successor in interest to a venture
20 member, or any other for-profit person or enti-
21 ty, or combination of such persons or entities,
22 that earns or accrues amounts subject to this
23 subsection;

24 (B) the term “product or invention sup-
25 ported by or produced as a result of funding



1 under this section” includes any product or in-
2 vention of a venture member based on or using
3 any technology or invention arising out of a
4 venture funded under this section; and

5 (C) the term “revenue generated by or re-
6 sulting from a product or invention” includes
7 revenue derived from the sale or licensing of
8 patents or other rights with respect to the prod-
9 uct or invention.

10 (d) ADVICE.—

11 (1) ADVISORY COMMITTEES.—The Director
12 may seek advice on any aspect of ARPA-E from—

13 (A) existing Department of Energy advi-
14 sory committees; and

15 (B) new advisory committees organized to
16 support the programs of ARPA-E and to pro-
17 vide advice and assistance on—

18 (i) specific program tasks; or

19 (ii) overall direction of ARPA-E.

20 (2) APPLICABILITY.—Section 14 of the Federal
21 Advisory Committee Act shall not apply to advisory
22 committees organized under paragraph (1)(B).

23 (3) ADDITIONAL SOURCES OF ADVICE.—The
24 Director may seek advice and review from the Na-
25 tional Academy of Sciences, the National Academy



1 for Engineering, and any other professional or sci-
2 entific organization with expertise in specific proc-
3 esses or technologies under development by ARPA-
4 E.

5 (e) ARPA-E EVALUATION.— After ARPA-E has
6 been in operation for 54 months, the President's Com-
7 mittee on Science and Technology shall begin an evalua-
8 tion (to be completed within 12 months) of how well
9 ARPA-E is achieving its goals and mission. The evalua-
10 tion shall include the recommendation of such Committee
11 on whether ARPA-E should be continued or terminated,
12 as well as lessons-learned from its operation. The evalua-
13 tion shall be made available to Congress and to the public
14 upon completion.

